IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Bail Appl..No. 3742 of 2007()

CRIME NO.135 OF 2007 OF IDUKKI POLICE STATION

: PETITIONER/ACCUSED:

A.M.JOY (AGED 42 YEARS),
S/O. MAHAI, ARACKAL VEEDU, THADIAMPADU BHAGOM,
VAZHATHOPPU KARA, IDUKKI DISTRICT.

BY ADV. SRI.P.VIJAYARAGHAVAN

RESPONDENTS: COMPLAINANT/STATE:

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
IDUKKI POLICE STATION, IDUKKI (CRIME NO.135/2007)

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3742 of 2007

Dated this the 27th day of June, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations for offences punishable, inter alia, under Sections 468 and 471 I.P.C. Crime has been registered on the basis of a complaint filed by the bank manager, who had permitted the petitioner to avail a loan.

2. The documents were submitted to the bank. It was scrutinised by the bank's legal advisor. After being satisfied about the title, loan was sanctioned. Later, manager of the bank, it is alleged, somehow came to understand that the documents produced were forged. It is thereafter that the complaint has been filed. Investigation is in progress. The petitioner apprehends imminent arrest.

3. The learned counsel for the petitioner submits that the crime has been registered without any basis and solely because of an unjustified apprehension and suspicion of the bank manager. It is relevant to note that the bank manager has no idea as to whether the documents produced are forged or genuine. He only relies on the impression, that he gathered from some others, that such documents are forged. The revenue authorities do not own such documents, he is alleged to have come to know.

4. Notwithstanding the opposition by the learned Public Prosecutor, I am satisfied, that this is a fit case where the petitioner is entitled to be granted anticipatory bail. Subject, of course, to appropriate conditions, in the interests of a fair, efficient and expeditious investigation, the petitioner can be granted anticipatory bail. Only when the documents in question are subjected to careful scrutiny and analysis, can it be decided whether they are genuine or forged documents. The fact remains that the legal advisor had vetted the documents and had found the same to be acceptable. There is nothing to show that the petitioner forged any of those documents or known them to be forged.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 04.07.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 1 p.m on 05.07.2007 and 06.07.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 04.07.07 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 04.07.07.

(R.BASANT, JUDGE)

rtr/-